

## **Remarks**

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. In the present response, claim 10 has been amended. Claims 1-25 are pending.

## **Objection to the Claims**

Claim 10 was objected to due to a clerical error reciting "if" rather than "of." It has been corrected. The Examiner's patience is appreciated.

## **36 USC §112**

Claim 23 stands rejected under §112 1<sup>st</sup> paragraph as not being enabled. Applicants traverse the rejection and submit that the application contemplates changes in content catalogs based on, for example, changes in broadcasts.

The Specification at page 6 lines 20-22 states, for example, "such providers may offer games, news, shopping, etc., that are tied in or synchronized with television broadcasts, live sporting events, or other viewer experiences" (emphasis added). Such tying or synchronization with broadcasts provides support for the claim 23 language. Also, it is noted that the Specification at page 7 lines 17-21 states "various known techniques can be used to ensure a local computer system is presented with a catalog that "makes sense" .... For example, different geographic time zones are frequently provided with different television broadcasts, thus it may be necessary to ensure that the catalog is specific to a particular handheld device's location." Hence, again, the catalog may change depending on the broadcast in a particular location.

Applicants respectfully request withdrawal of the §112 rejection of claim 23.

Applicants further respectfully submit that the documents relied on by the Office fail to teach or suggest the limitations recited in claim 23 and hence it is submitted claim 23 is presently in condition for allowance; such allowance is respectfully solicited.

### **35 USC §103**

Claims 1, 2, 6-11 and 14-25 stand rejected as being obvious over Hawkins (US Patent No. 6,343,318) in view of Sachs (US Patent No. 6,331,865). Applicants note these are the same documents previously relied on by the Office to reject originally filed claims 1-25, hence Applicants are confused by the Office's statement there are new grounds of rejection.

Regarding Hawkins, Applicants note this is a 268 column reference, therefore it has not been possible to study Hawkins as Applicants ordinarily would in order to reply to the Office's arguments; Applicants are relying on those portions of Hawkins identified by the Office in preparing Applicants' response to the claim rejections.

Regarding the rejection of independent claim 1, Applicants traverse the rejection as being entirely unfounded by the portions of Hawkins relied on by the Office. In particular, the Office repeats its previous rejection that Hawkins at col. 3 lines 32-48 teaches the recited "**indicating** with the handheld device **interest** in obtaining a content catalog identifying content in a first data format provided by a content provider." See, for example, the Specification at page 9, lines 11-14 which states "a user selects 212 a **desired** content category," e.g., the user indicates an interest. At best, the portion of Hawkins relied on by the Office teaches nothing more than data format conversion. It is

respectfully submitted there is **no** teaching or even **remote** scintilla of a suggestion in Hawkins at col. 3 lines 32-48 of the recited indicating interest in obtaining a content catalog. Interests play no part in the format conversion identified by the Office. It is further noted that, as discussed throughout the Specification, the recited content catalog is related to a broadcast. There is no teaching or suggestion in Hawkins of the broadcast of claim 1.

Further, the Office states Hawkins at col. 3 lines 32-48 also teaches the recited "receiving the content catalog." While Hawkins appears to teach converting HTML into some sort of HTML-subset called "CML," mere conversion **CAN NOT** teach the recited "content catalog" associated with a broadcast. See Hawkins, for example at col. 20 regarding the Content Layer discussion and at col. 21 regarding "CML." Conversion is simply one part of what is claimed, hence the Office is respectfully requested to withdraw the rejection or to specifically cite column and line references in Hawkins that teaches the recited "content catalog" phrase.

Regarding the rejection of claim 10, as discussed in the Specification at page 8 line 21, embedded content is embedded in a television signal. The Office relies on Hawkins at col. 6 lines 33-47 which discusses fast access to web content through the conversion taught by Hawkins. It is respectfully submitted conversion fails to teach or even remotely suggest embedded content, which as discussed above, includes data embedded in a television signal. It is respectfully requested that this rejection be withdrawn.

Claims 3-5, 12, and 13 remain rejected under the previous grounds of being obvious over Hawkins in view of Dunn (US Patent No. 6,154,772). Applicants traverse these rejections. Hawkins, as discussed above, fails to teach or suggest the elements of claim 1 as discussed above. Consequently for at least this reason the suggested combination of Hawkins and Dunn is unworkable and can not render claims 3-5, 12 and 13 obvious as suggested.

However, putting aside the problems with Hawkins as discussed above, it is further submitted that the combination with the portion of Dunn at col. 18 lines 4-49 relied on by the Office does not make sense to Applicants. Dunn appears to teach broadcasting programming content / channels to a large number of customers. In particular, Dunn states "All available program content is **always** available" (col. 18 line 7, emphasis added), "an end user has access to **all** available programming content" (col. 18 lines 37-38, emphasis added), etc.

**This always available access to content is NOT what is claimed.**

For example, claim 3 recites "wherein the content catalog content corresponds at least in part to broadcasts available for receipt by the viewing device." The Office fails to specifically indicate where or how Dunn teaches this limitation of claim 3. The Office instead makes a general assertion that Dunn at col. 18 teaches "use of content available in broadcasts" and in essence that such "use" renders claim 3 obvious. This general statement can not possibly render claim 3 obvious because the Action fails to explain exactly how Dunn teaches a "use of content" that teaches the language of claim 3. Consequently, Applicants respectfully insist that the rejection be explained in detail with reference to Dunn, or that it be withdrawn.

Regarding the rejection of claim 4, as with claim 3, the general characterization that Dunn teaches “use of content available in broadcasts” simply **can not** teach or suggest, for example, the recited “making said broadcast-related data available to a content initiator so that the content initiator associates said broadcast related data with the content catalog.” Consequently, Applicants respectfully insist that the rejection of claim 4 be explained in detail with explicit reference to Dunn, or that it be withdrawn.

Regarding the rejection of claim 5, Applicants note the Action refers to line 89, and no such line exists in col. 18.

Regarding independent claims 18 and 24, there are no specific rejections of these claims and the implicit rejections are traversed by Applicants since the Office fails to give specific basis for the rejection. It is submitted that reference to rejections of four other claims (1, 6-8) fails to specifically point out the basis for rejections as is required of the Office. Thus, the Office is respectfully requested to give a specific rejection of these claims, and to particularly and distinctly point out how Hawkins teaches the recited operations for a “system to facilitate interaction with a viewing device receiving a broadcast” and “a handheld device to facilitate interaction with a viewing device receiving a broadcast.”

Further, regarding claim 24 in particular, this claim recites “indicating with the handheld device interest in obtaining a content catalog containing at least one transitory selectable item associated with the broadcast.” There is no teaching in Hawkins or Dunn of indicating interest nor of transitory selectable items.

Regarding claims not specifically addressed herein but discussed in Applicants' previous response, Applicants rely on the substance of the previous response.

Regarding claims not presently or previously addressed, Applicants note their rejections are not substantively addressed so that prosecution may focus prosecution on aspects of other pending claims. It is submitted non-discussed claims are allowable for at least the reason as depending from an allowable base claim.


Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-25 are in condition for allowance and such action is earnestly solicited. **THE EXAMINER IS RESPECTFULLY ASKED TO CONTACT THE UNDERSIGNED TO DISCUSS FURTHER EXAMINATION OF THIS MATTER.**

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

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